

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re :

Case No. 18-23538 (RDD)

SEARS HOLDINGS CORPORATION, et al.¹ :

**Chapter 11
(Jointly Administered)**

Debtors

**SUPPLEMENTAL OPPOSITION
TO NOTICE OF CURE COSTS AND POTENTIAL ASSUMPTION**

TO THE HONORABLE COURT:

Creditor and landlord of Kmart store in Frederiksted, VI (Store # 7413) referred to in various papers as SUNSHINE SHOPPING CENTER INC, MALL OF SAINT CROIX, SUNSHINE MALL, and HATIM YUSUF, through its undersigned attorney respectfully states and prays:

1. On 1/23/2019 we received debtor's NOTICE OF CURE COSTS AND
POTENTIAL ASSUMPTION (Dkt. 1731) without the exhibits.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Sears Holdings Corporation (0798); Kmart Holding Corporation (3116); Kmart Operations LLC (6546); Sears Operations LLC (4331); Sears, Roebuck and Co. (0680); ServiceLive Inc. (6774); SHC Licensed Business LLC (3718); A&E Factory Service, LLC (6695); A&E Home Delivery, LLC (0205); A&E Lawn & Garden, LLC (5028); A&E Signature Service, LLC (0204); FBA Holdings Inc. (6537); Innovel Solutions, Inc. (7180); Kmart Corporation (9500); MaxServ, Inc. (7626); Private Brands, Ltd. (4022); Sears Development Co. (6028); Sears Holdings Management Corporation (2148); Sears Home & Business Franchises, Inc. (6742); Sears Home Improvement Products, Inc. (8591); Sears Insurance Services, L.L.C. (7182); Sears Procurement Services, Inc. (2859); Sears Protection Company (1250); Sears Protection Company (PR) Inc. (4861); Sears Roebuck Acceptance Corp. (0535); Sears, Roebuck de Puerto Rico, Inc. (3626); SYW Relay LLC (1870); Wally Labs LLC (None); SHC Promotions LLC (9626); Big Beaver of Florida Development, LLC (None); California Builder Appliances, Inc. (6327); Florida Builder Appliances, Inc. (9133); KBL Holding Inc. (1295); KLC, Inc. (0839); Kmart of Michigan, Inc. (1696); Kmart of Washington LLC (8898); Kmart Stores of Illinois LLC (8897); Kmart Stores of Texas LLC (8915); MyGofer LLC (5531); Sears Brands Business Unit Corporation (4658); Sears Holdings Publishing Company, LLC. (5554); Sears Protection Company (Florida), L.L.C. (4239); SHC Desert Springs, LLC (None); SOE, Inc. (9616); StarWest, LLC (5379); STI Merchandising, Inc. (0188); Troy Coolidge No. 13, LLC (None); BlueLight.com, Inc. (7034); Sears Brands, L.L.C. (4664); Sears Buying Services, Inc. (6533); Kmart.com LLC (9022); Sears Brands Management Corporation (5365); and SRe Holding Corporation (4816). The location of the Debtors' corporate headquarters is 3333 Beverly Road, Hoffman Estates, Illinois 60179

2. On 1/25/2019 the appearing landlord (Store # 7413) filed a limited objection to preserve rights (Dkt. 1929) regarding the evident insufficiency of the proposed cure amount of \$65,036 to cover amounts due under the contract.

3. Said limited objection is hereby supplemented by stating the amounts outstanding as of November 2018, totaling \$100,522.58 (see attached itemization.), exclusive of other obligations of specific performance (such as post hurricane repairs), still underway, but currently incomplete.²

4. As stated in our objection, the appearing landlord reserves its right to contest any assumption which does not comply with the curing of any and all defaults, as mandated by §365, including any amounts that may become due under the Leases after the Leases are assumed, but which may relate to the pre-assumption period (i.e., real estate tax and common area maintenance reconciliations).

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the foregoing with the Clerk of this Court using the CM-ECF system which will send notification of such filing to all CM-ECF participants registered to receive notices in the case at bar.

In San Juan, Puerto Rico, on January 31, 2019

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s/ **EDGARDO MUÑOZ**
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² The parties have been in conversations regarding a consensual adjustment of rent, as part of the pre-auction endeavors by Debtor.

Kmart #7413

<u>Date</u>	<u>Inv#</u>	<u>Descript</u>	<u>Amount</u>
1/1/2010	93	Water Meter	2,000.00
7/1/2018	118-904	CAM June	3,139.25
8/1/2018	118-916	Water	953.57
8/1/2018	118-918	CAM July	3,711.39
9/1/2018	118-923	CAM Aug	4,651.31
9/3/2018	118-924	Water	995.67
9/27/2018	118-923D	Freight Charges	5,070.00
9/30/2018		Percentage Rent due	24,283.88
10/1/2018	118-930	Water	751.49
10/1/2018	118-935	CAM Sept	3,267.81
10/1/2018		Pre Petition October Rent	33,633.21
11/28/2019	CLH001550E	Carrier Credit Services	9,625.00
11/28/2018	CLV01091E	Carrier Credit Services	8,470.00
			<hr/> 100,552.58